

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF NEW YORK

FRED ZEIGLER,

Plaintiff,

- against -

ATLANTIC CASUALTY INSURANCE COMPANY,

Defendant.

07-cv-9231 (JSR)

**NOTICE OF MOTION TO
REMAND CASE TO STATE
COURT PURSUANT TO 28
USC § 1446(b)**

PLEASE TAKE NOTICE that, upon the annexed affirmation of Thomas I. Sheridan, III., executed on November 13, 2007, and upon the exhibits attached thereto, the accompanying Memorandum of Law in support of this motion, and the pleadings herein, plaintiff will move this Court, on December 14th, 2007 at 11:00am, before the Honorable Jed S. Rakoff, United States District Judge, for an order, pursuant to 28 U.S.C. § 1446(b), to remand this case to the Supreme Court of the State of New York from which it was removed on October 15, 2007 on the ground that removal was untimely.

PLEASE TAKE FURTHER NOTICE that pursuant to schedule set by the Court, defendant's answering papers are due on November 30, 2007 and plaintiff's reply papers are due on December 7, 2007.

DATED: New York, New York
November 13, 2007

HANLY CONROY BEIRSTEIN SHERIDAN
FISHER & HAYES LLP

By: /s/Thomas I. Sheridan

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